

**Remarks**

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 18-25, 28-33 and 35 are pending in the application, with claims 18, 28, and 35 being the independent claims.

Based on the above Amendment and the following Remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

**Drawing Objections**

A -Prior Art- label is being added to Fig. 1 as suggested by the Examiner. Accordingly, Applicant requests that the objection be withdrawn.

**Acknowledgement of Allowed Subject Matter**

Applicant thanks the Examiner for indicating that claims 18-25, 28-33 and 35 contain allowable subject matter.

**Rejections under 35 U.S.C. § 112**

Claims 18-25, 28-33 and 35 stand rejected under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In rejecting claim 18, the Examiner asserts that “what is being suggested by the last paragraph is unclear. . . [p]articularly with respect to the ‘said optical path’ in the first line of the paragraph.” Accordingly, claim 18 is being amended to identify the *optical path setting*

*means* performing the function described in the last paragraph.

In rejecting claim 28, the Examiner asserts that “the first paragraph is confusing,” and points specifically to lines 7-8 of the claim. Accordingly, lines 7-8 are being amended to identify that the intermediate point node device is between the start point node and end point node devices.

Line 1 of claim 29 is being amended to delete the word “further.”

In rejecting claim 30, the Examiner asserts that line 5 does not clearly indicate what is being set in the claim. Accordingly, line 5 is being amended to identify “transmitting the packet to the optical path *set by said optical path setting means*.”

In rejecting claim 35, the Examiner asserts that the claim language in lines 3-5 is circular with respect to the second node device. Accordingly, lines 3-5 are being amended to recite “*the node device functioning as* said second node device transferring a user packet input from outside said optical network system to said third node device through said second node device, *each of said node devices* comprising,” The preamble of claim 35 indicates that the optical network includes first, second and third node devices connected by optical fiber, where the node device functioning as the second node device transfers a user packet input from outside the optical network to the third node device through the second node device. It is respectfully submitted that the claimed path is not circular, as the user input is received from outside the optical network, then passes through the second node device to the third node device.

It is noted that these amendments are not in response to a prior art rejection, and should not be construed as such.

**Conclusion**

The claim amendments are believed to overcome the rejections under 35 U.S.C. §112 and it is therefore submitted that claims 18-25, 28-33 and 35 are in condition for allowance.

Accordingly, the Examiner is invited to telephone the undersigned counsel to arrange for an interview should the Examiner find that, for any reason, the application is not in condition for allowance.

The Commissioner is authorized to charge any fee necessitated by this Amendment to our Deposit Account No. 22-0261.

Respectfully submitted,

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Date

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